

109TH CONGRESS
1ST SESSION

H. R. 2041

To provide for homeland security grant coordination and simplification, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 2, 2005

Mr. CASTLE (for himself, Mr. BASS, and Mr. BACHUS) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committees on Energy and Commerce, Transportation and Infrastructure, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for homeland security grant coordination and
simplification, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Homeland Security
5 Grant Enhancement Act of 2005”.

1 **SEC. 2. INTERAGENCY COMMITTEE TO COORDINATE AND**
2 **STREAMLINE HOMELAND SECURITY GRANT**
3 **PROGRAMS.**

4 (a) IN GENERAL.—Title VIII of the Homeland Secu-
5 rity Act of 2002 (6 U.S.C. 361 et seq.) is amended by
6 inserting after section 801 the following:

7 **“SEC. 802. INTERAGENCY COMMITTEE TO COORDINATE**
8 **AND STREAMLINE HOMELAND SECURITY**
9 **GRANT PROGRAMS.**

10 “(a) ESTABLISHMENT.—

11 “(1) IN GENERAL.—The Secretary, in coordina-
12 tion with the Attorney General, the Secretary of
13 Health and Human Services, the Secretary of
14 Transportation, the Administrator of the Environ-
15 mental Protection Agency, and other agencies pro-
16 viding assistance for emergency response provider
17 preparedness, as identified by the President, shall
18 establish the Interagency Committee to Coordinate
19 and Streamline Homeland Security Grant Programs
20 (referred to in this subtitle as the ‘Interagency Com-
21 mittee’).

22 “(2) COMPOSITION.—The Interagency Com-
23 mittee shall be composed of—

24 “(A) at least 2 representatives of the De-
25 partment, including a representative of the
26 United States Fire Administration;

1 “(B) a representative of the Department of
2 Health and Human Services;

3 “(C) a representative of the Department of
4 Transportation;

5 “(D) a representative of the Department of
6 Justice;

7 “(E) a representative of the Environmental
8 Protection Agency; and

9 “(F) a representative of any other depart-
10 ment or agency determined to be necessary by
11 the President.

12 “(3) RESPONSIBILITIES.—The Interagency
13 Committee shall—

14 “(A) provide any findings to the Informa-
15 tion Clearinghouse established under section
16 801(c);

17 “(B) consult with State and local govern-
18 ments and emergency response providers re-
19 garding their homeland security needs and ca-
20 pabilities;

21 “(C) advise the Secretary on the develop-
22 ment of performance measures for homeland se-
23 curity and other first responder assistance pro-
24 grams;

1 “(D) compile a list of homeland security
2 and other first responder assistance programs;

3 “(E) not later than 1 year after the date
4 of enactment of the Homeland Security Grant
5 Enhancement Act of 2005—

6 “(i) develop a proposal to coordinate,
7 to the maximum extent practicable, the
8 planning, reporting, application, and other
9 guidance documents contained in homeland
10 security assistance programs to—

11 “(I) eliminate all redundant and
12 duplicative requirements;

13 “(II) ensure accountability of the
14 programs to the intended purposes of
15 such programs; and

16 “(III) coordinate expenditures of
17 grant funds to avoid duplicative or in-
18 consistent purchases; and

19 “(ii) submit the proposal developed
20 under clause (i) to—

21 “(I) the President;

22 “(II) the Committee on Home-
23 land Security and Governmental Af-
24 fairs of the Senate; and

1 “(III) the Committee on Home-
2 land Security of the House of Rep-
3 resentatives; and

4 “(F) otherwise promote the coordination of
5 homeland security grant programs throughout
6 the Federal government.

7 “(b) ADMINISTRATION.—The Department shall pro-
8 vide administrative support to the Interagency Committee,
9 which shall include—

10 “(1) scheduling meetings;

11 “(2) preparing agenda;

12 “(3) maintaining minutes and records; and

13 “(4) producing reports.

14 “(c) CHAIRPERSON.—The Secretary shall designate
15 a chairperson of the Interagency Committee.

16 “(d) MEETINGS.—The Interagency Committee shall
17 meet—

18 “(1) at the call of the Secretary; or

19 “(2) not less frequently than once every
20 month.”.

21 (b) TECHNICAL AND CONFORMING AMENDMENT.—
22 The table of contents for the Homeland Security Act of
23 2002 (6 U.S.C. 101 et seq.) is amended by inserting after
24 the item relating to section 801 the following:

“Sec. 802. Interagency Committee to Coordinate and Streamline Homeland Se-
curity Grant Programs.”.

1 **SEC. 3. STREAMLINING FEDERAL HOMELAND SECURITY**
2 **GRANT ADMINISTRATION.**

3 (a) DIRECTOR OF STATE AND LOCAL GOVERNMENT
4 COORDINATION AND PREPAREDNESS.—Section 801(a) of
5 the Homeland Security Act of 2002 (6 U.S.C. 361(a)) is
6 amended to read as follows:

7 “(a) ESTABLISHMENT.—

8 “(1) IN GENERAL.—There is established within
9 the Office of the Secretary the Office for State and
10 Local Government Coordination and Preparedness,
11 which shall oversee and coordinate departmental
12 programs for, and relationships with, State and local
13 governments.

14 “(2) EXECUTIVE DIRECTOR.—The Office estab-
15 lished under paragraph (1) shall be headed by the
16 Executive Director of State and Local Government
17 Coordination and Preparedness, who shall be ap-
18 pointed by the President, by and with the advice and
19 consent of the Senate.”.

20 (b) OFFICE FOR DOMESTIC PREPAREDNESS.—The
21 Homeland Security Act of 2002 (6 U.S.C. 101 et seq.)
22 is amended—

23 (1) by redesignating section 430 as section 803
24 and transferring that section to the end of subtitle
25 A of title VIII, as amended by section 2; and

1 (2) in section 803, as redesignated by para-
2 graph (1)—

3 (A) in subsection (a), by striking “the Di-
4 rectorate of Border and Transportation Secu-
5 rity” and inserting “the Office for State and
6 Local Government Coordination and Prepared-
7 ness”;

8 (B) in subsection (b), by striking “who
9 shall be appointed by the President” and all
10 that follows and inserting “who shall report di-
11 rectly to the Executive Director of State and
12 Local Government Coordination and Prepared-
13 ness.”; and

14 (C) in subsection (c)—

15 (i) in paragraph (7)—

16 (I) by striking “other” and in-
17 serting “the”; and

18 (II) by striking “consistent with
19 the mission and functions of the Di-
20 rectorate”;

21 (ii) in paragraph (8)—

22 (I) by inserting “carrying out”
23 before “those elements”; and

24 (II) by striking “and” at the end;

1 (iii) in paragraph (9), by striking the
 2 period at the end and inserting “; and”;
 3 and

4 (iv) by adding at the end the fol-
 5 lowing:

6 “(10) managing the Homeland Security Infor-
 7 mation Clearinghouse established under section
 8 801(c).”.

9 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

10 (1) TABLE OF CONTENTS.—The table of con-
 11 tents for the Homeland Security Act of 2002 (6
 12 U.S.C. 101 et seq.) is amended—

13 (A) by striking the item relating to section
 14 430;

15 (B) by amending the item relating to sec-
 16 tion 801 to read as follows:

“Sec. 801. Office of State and Local Government Coordination and Prepared-
 ness.”;

17 and

18 (C) by inserting after the item relating to
 19 section 802, as added by this Act, the following:

“Sec. 803. Office for Domestic Preparedness.”.

20 (2) SECTION HEADING.—Section 801 of the
 21 Homeland Security Act of 2002 (6 U.S.C. 361) is
 22 amended by striking the section heading and insert-
 23 ing the following:

1 **“SEC. 801. OFFICE OF STATE AND LOCAL GOVERNMENT CO-**
2 **ORDINATION AND PREPAREDNESS.”**

3 (d) ESTABLISHMENT OF HOMELAND SECURITY IN-
4 FORMATION CLEARINGHOUSE.—Section 801 of the Home-
5 land Security Act of 2002 (6 U.S.C. 361), as amended
6 by subsection (a), is further amended by adding at the
7 end the following:

8 “(c) HOMELAND SECURITY INFORMATION CLEAR-
9 INGHOUSE.—

10 “(1) ESTABLISHMENT.—There is established
11 within the Office for State and Local Government
12 Coordination and Preparedness a Homeland Secu-
13 rity Information Clearinghouse (referred to in this
14 section as the ‘Clearinghouse’), which shall assist
15 States, local governments, and emergency response
16 providers in accordance with paragraphs (2) through
17 (6).

18 “(2) HOMELAND SECURITY GRANT INFORMA-
19 TION.—The Clearinghouse shall create a new
20 website or enhance an existing website, establish a
21 toll-free number, and produce a single publication
22 that each contain information regarding the home-
23 land security grant programs administered by the
24 Department.

25 “(3) TECHNICAL ASSISTANCE.—The Clearing-
26 house, in consultation with the Interagency Com-

1 mittee established under section 802, shall provide
2 information regarding technical assistance provided
3 by any Federal agency to States and local govern-
4 ments relating to homeland security matters, includ-
5 ing templates for conducting threat analyses and
6 vulnerability assessments.

7 “(4) BEST PRACTICES.—The Clearinghouse
8 shall work with States, local governments, emer-
9 gency response providers, the National Domestic
10 Preparedness Consortium, the National Memorial
11 Institute for the Prevention of Terrorism, and pri-
12 vate organizations to gather, validate, and dissemi-
13 nate information regarding successful State and
14 local homeland security programs and practices.

15 “(5) USE OF FEDERAL FUNDS.—The Clearing-
16 house shall compile information regarding equip-
17 ment, training, and other services that can be pur-
18 chased with Federal funds provided under homeland
19 security grant programs and make such information,
20 and information regarding voluntary standards of
21 training, equipment, and exercises, available to
22 States, local governments, and emergency response
23 providers.

24 “(6) OTHER INFORMATION.—The Clearing-
25 house shall provide States, local governments, and

1 emergency response providers with any other infor-
2 mation that the Secretary determines necessary.”.

3 **SEC. 4. ESSENTIAL CAPABILITIES FOR FIRST RESPONDERS**
4 **AND THREAT-BASED HOMELAND SECURITY**
5 **GRANT PROGRAM.**

6 (a) IN GENERAL.—The Homeland Security Act of
7 2002 (6 U.S.C. 101 et seq.) is amended by adding at the
8 end the following:

9 **“TITLE XVIII—ESSENTIAL CAPA-**
10 **BILITIES FOR FIRST RE-**
11 **SPONDERS AND THREAT-**
12 **BASED HOMELAND SECURITY**
13 **GRANT PROGRAM**

14 **“SEC. 1801. DEFINITIONS.**

15 “In this title, the following definitions shall apply:

16 “(1) ELIGIBLE METROPOLITAN REGION.—The
17 term ‘eligible metropolitan region’ means the fol-
18 lowing:

19 “(A) IN GENERAL.—A combination of 2 or
20 more incorporated municipalities, counties, par-
21 ishes, or Indian tribes within a metropolitan re-
22 gion that includes the city in that metropolitan
23 region with the largest population. Such eligible
24 metropolitan region may include additional local
25 governments outside the metropolitan region

1 that are likely to be affected by, or be called
2 upon to respond to, a terrorist attack or other
3 catastrophic event within the metropolitan re-
4 gion.

5 “(B) OTHER COMBINATIONS.—Any other
6 combination of contiguous local governments
7 that are formally certified by the Secretary as
8 an eligible metropolitan region for purposes of
9 this title with the consent of the State or States
10 in which such local governments are located.

11 “(2) ESSENTIAL CAPABILITIES.—The term ‘es-
12 sential capabilities’ means the levels, availability,
13 and competence of emergency personnel, planning,
14 training, and equipment across a variety of dis-
15 ciplines needed to effectively and efficiently prevent,
16 prepare for, and respond to threatened or actual do-
17 mestic terrorist attacks and other catastrophic
18 events.

19 “(3) INDIAN TRIBE.—The term ‘Indian tribe’
20 means an entity described under section 2(10)(B).

21 “(4) METROPOLITAN REGION.—The term ‘met-
22 ropolitan region’ means—

23 “(A) any of the 100 largest metropolitan
24 statistical areas in the United States, as defined
25 by the Office of Management and Budget; or

1 “(B) any combined statistical area, as de-
2 fined by the Office of Management and Budget,
3 of which any metropolitan statistical area cov-
4 ered by subparagraph (A) is a part.

5 “(5) POPULATION.—The term ‘population’
6 means population according to the most recent
7 United States census population estimates available
8 at the start of the relevant fiscal year.

9 “(6) POPULATION DENSITY.—The term ‘popu-
10 lation density’ means population divided by land
11 area in square miles.

12 “(7) SLIDING SCALE BASELINE ALLOCATION.—
13 The term ‘sliding scale baseline allocation’ means
14 0.001 multiplied by the sum of—

15 “(A) the value of a State’s population rel-
16 ative to that of the most populous of the 50
17 States of the United States, where the popu-
18 lation of such States has been normalized to a
19 maximum value of 100; and

20 “(B) one-fourth of the value of a State’s
21 population density relative to that of the most
22 densely populated of the 50 States of the
23 United States, where the population density of
24 such States has been normalized to a maximum
25 value of 100.

1 “(8) THREAT-BASED HOMELAND SECURITY
2 GRANT PROGRAM.—The term ‘Threat-Based Home-
3 land Security Grant Program’ means the program
4 established under section 1804.

5 **“SEC. 1802. PRESERVATION OF PRE-9/11 GRANT PROGRAMS**
6 **FOR TRADITIONAL FIRST RESPONDER MIS-**
7 **SIONS.**

8 “(a) IN GENERAL.—This title shall not be construed
9 to affect any authority to award grants under any Federal
10 grant program listed under subsection (b), which existed
11 on September 10, 2001, to enhance traditional missions
12 of State and local law enforcement, firefighters, ports,
13 emergency medical services, or public health missions.

14 “(b) PROGRAMS NOT AFFECTED.—The programs re-
15 ferred to in subsection (a) are the following:

16 “(1) The Firefighter Assistance Program au-
17 thorized under section 33 of the Federal Fire Pre-
18 vention and Control Act of 1974 (15 U.S.C. 2229)
19 and programs under section 34 of that Act (15
20 U.S.C. 2229a).

21 “(2) All grant programs authorized under the
22 Robert T. Stafford Disaster Relief and Emergency
23 Assistance Act (42 U.S.C. 5121 et seq.), including
24 the Emergency Management Performance Grant

1 Program and the Urban Search and Rescue Grant
2 program.

3 “(3) The Justice Assistance Grants authorized
4 under part E of title I of the Omnibus Crime Con-
5 trol and Safe Streets Act of 1968 (42 U.S.C. 3750
6 et seq.) (commonly known as the Edward Byrne Me-
7 morial State and Local Law Enforcement Assistance
8 Programs).

9 “(4) The Public Safety and Community Polic-
10 ing (COPS ON THE BEAT) Grant Program au-
11 thorized under part Q of title I of the Omnibus
12 Crime Control and Safe Streets Act of 1968 (42
13 U.S.C. 3796dd et seq.).

14 “(5) Grant programs under the Public Health
15 Service Act regarding preparedness for bioterrorism
16 and other public health emergencies and the Emer-
17 gency Response Assistance Program authorized
18 under section 1412 of the Defense Against Weapons
19 of Mass Destruction Act of 1996 (50 U.S.C. 2312).

20 **“SEC. 1803. ESSENTIAL CAPABILITIES FOR FIRST RESPOND-**
21 **ERS.**

22 “(a) ESTABLISHMENT OF ESSENTIAL CAPABILI-
23 TIES.—

24 “(1) IN GENERAL.—Building upon the national
25 preparedness guidance issued by the Secretary, the

1 Secretary shall establish clearly defined essential ca-
2 pabilities for State and local governments, in con-
3 sultation with—

4 “(A) the Task Force on Essential Capabili-
5 ties for First Responders established under sub-
6 section (d);

7 “(B) the Under Secretaries for Emergency
8 Preparedness and Response (including rep-
9 resentatives of the United States Fire Adminis-
10 tration), Border and Transportation Security,
11 Information Analysis and Infrastructure Pro-
12 tection, and Science and Technology, and the
13 Executive Director of the Office for State and
14 Local Government Coordination and Prepared-
15 ness;

16 “(C) the Secretary of Health and Human
17 Services;

18 “(D) other appropriate Federal agencies;

19 “(E) State and local emergency response
20 providers;

21 “(F) State and local officials; and

22 “(G) consensus-based standard making or-
23 ganizations responsible for setting standards
24 relevant to the first responder community.

25 “(2) DEADLINES.—The Secretary shall—

1 “(A) establish essential capabilities under
2 paragraph (1) within 30 days after receipt of
3 the first report under subsection (d)(3); and

4 “(B) regularly update such essential capa-
5 bilities as necessary, but not less than every 3
6 years.

7 “(3) PROVISION OF ESSENTIAL CAPABILI-
8 TIES.—The Secretary shall ensure that a detailed
9 description of the essential capabilities established
10 under paragraph (1) is provided promptly to the
11 States and to Congress. The States shall make the
12 description of the essential capabilities available as
13 appropriate to local governments within their juris-
14 dictions.

15 “(b) OBJECTIVES.—The Secretary shall ensure that
16 essential capabilities established under subsection (a)(1)
17 meet the following objectives:

18 “(1) SPECIFICITY.—The determination of es-
19 sential capabilities shall describe specifically the
20 training, planning, personnel, and equipment that
21 different types of communities in the Nation should
22 possess, or to which they should have access, in
23 order to meet the Department’s goals for prepared-
24 ness based upon—

1 “(A) the national preparedness goal, the
2 target capabilities list, and the national pre-
3 paredness guidance;

4 “(B) the most current risk assessment
5 available by the Directorate for Information
6 Analysis and Infrastructure Protection of the
7 threats of terrorism against the United States;

8 “(C) the risks faced by different types of
9 communities, including communities of various
10 sizes, geographies, and other distinguishing
11 characteristics; and

12 “(D) the principles of regional coordination
13 and mutual aid among State and local govern-
14 ments.

15 “(2) FLEXIBILITY.—The establishment of es-
16 sential capabilities shall be sufficiently flexible to
17 allow State and local government officials to set pri-
18 orities based on local or regional needs, while reach-
19 ing nationally determined preparedness levels within
20 a specified time period.

21 “(3) MEASURABILITY.—The establishment of
22 essential capabilities shall be designed to enable
23 measurement of progress toward specific terrorism
24 preparedness goals.

1 “(4) COMPREHENSIVENESS.—The determina-
2 tion of essential capabilities shall be made within the
3 context of a comprehensive State emergency man-
4 agement system.

5 “(c) FACTORS TO BE CONSIDERED.—In establishing
6 essential capabilities for different types of communities
7 under subsection (a)(1), the Secretary specifically shall
8 consider the variables of threat, vulnerability, and con-
9 sequences with respect to population (including transient
10 commuting and tourist populations), areas of high popu-
11 lation density, critical infrastructure, coastline, and inter-
12 national borders. Such consideration shall be based upon
13 the most current risk assessment available by the Direc-
14 torate for Information Analysis and Infrastructure Protec-
15 tion of the threats of terrorism against the United States
16 and the needs described in the national preparedness guid-
17 ance and the target capabilities list.

18 “(d) TASK FORCE ON ESSENTIAL CAPABILITIES FOR
19 FIRST RESPONDERS.—

20 “(1) ESTABLISHMENT.—

21 “(A) IN GENERAL.—To assist the Sec-
22 retary in establishing essential capabilities
23 under subsection (a)(1), the Secretary shall es-
24 tablish an advisory body under section 871(a)
25 not later than 60 days after the date of enact-

1 ment of this section, which shall be known as
2 the Task Force on Essential Capabilities for
3 First Responders.

4 “(B) TERMINATION.—Notwithstanding
5 section 871(b), the Task Force shall terminate
6 5 years after the date of its establishment, un-
7 less the Secretary makes a written determina-
8 tion to extend the Task Force to a specified
9 date, which shall not be more than 5 years after
10 the date on which such determination is made.
11 The Secretary may make any number of subse-
12 quent extensions consistent with this sub-
13 section.

14 “(2) PUBLIC COMMENT.—Not later than 90
15 days after the date of enactment of this section, the
16 Task Force shall solicit comment on the establish-
17 ment of essential capabilities for State and local gov-
18 ernment preparedness.

19 “(3) REPORT.—

20 “(A) IN GENERAL.—Not later than 9
21 months after the establishment of the Task
22 Force by the Secretary, and every 3 years
23 thereafter, the Task Force shall submit to the
24 Secretary a report on its recommendations for

1 essential capabilities for preparedness for ter-
2 rorism.

3 “(B) CONTENTS.—Each report shall—

4 “(i) provide a thorough assessment of
5 the national preparedness guidance and
6 target capabilities list and recommenda-
7 tions for revisions;

8 “(ii) include a priority ranking of es-
9 sential capabilities in order to provide
10 guidance to the Secretary and to Congress
11 on determining the appropriate allocation
12 of, and funding levels for, first responder
13 needs;

14 “(iii) set forth a methodology by
15 which any State or local government will
16 be able to determine the extent to which it
17 possesses or has access to the essential ca-
18 pabilities that States and local govern-
19 ments having similar risks should obtain;
20 and

21 “(iv) describe the availability of na-
22 tional voluntary consensus standards, and
23 whether there is a need for new national
24 voluntary consensus standards, with re-

1 spect to first responder training and equip-
2 ment.

3 “(C) COMPREHENSIVENESS.—The Task
4 Force shall ensure that, when recommending
5 essential capabilities for terrorism prepared-
6 ness, such recommendations are made within
7 the context of a comprehensive State emergency
8 management system.

9 “(4) MEMBERSHIP.—

10 “(A) IN GENERAL.—The Task Force shall
11 consist of 25 members appointed by the Sec-
12 retary, and shall, to the extent practicable, rep-
13 resent a geographic and substantive cross sec-
14 tion of first responder disciplines from the
15 State and local government levels, including as
16 appropriate—

17 “(i) members selected from the emer-
18 gency response field, including fire service
19 and law enforcement, hazardous materials
20 response, emergency medical services, and
21 emergency management personnel;

22 “(ii) health scientists, emergency and
23 inpatient medical providers, and public
24 health professionals, including experts in
25 emergency health care response to chem-

1 ical, biological, radiological, and nuclear
2 terrorism, and experts in providing mental
3 health care during emergency response op-
4 erations;

5 “(iii) experts from Federal, State, and
6 local governments, and the private sector,
7 representing standards-setting organiza-
8 tions, including representatives from the
9 voluntary consensus codes and standards
10 development community, particularly those
11 with expertise in first responder dis-
12 ciplines; and

13 “(iv) State and local officials with ex-
14 pertise in terrorism preparedness and
15 other emergency preparedness.

16 “(B) COORDINATION WITH THE DEPART-
17 MENT OF HEALTH AND HUMAN SERVICES.—In
18 the selection of members of the Task Force who
19 are health professionals, including emergency
20 medical professionals, the Secretary shall co-
21 ordinate the selection with the Secretary of
22 Health and Human Services.

23 “(C) EX OFFICIO MEMBERS.—The Sec-
24 retary shall designate 1 or more officers of the
25 Department to serve as ex officio members of

1 the Task Force. One of the ex officio members
2 from the Department shall be the designated
3 officer of the Federal Government for purposes
4 of subsection (e) of section 10 of the Federal
5 Advisory Committee Act (5 U.S.C. App.).

6 “(5) APPLICABILITY OF FEDERAL ADVISORY
7 COMMITTEE ACT.—Notwithstanding section 871(a),
8 the Federal Advisory Committee Act (5 U.S.C.
9 App.), including subsections (a), (b), and (d) of sec-
10 tion 10 of the Federal Advisory Committee Act, and
11 section 552b(c) of title 5, United States Code, shall
12 apply to the Task Force.

13 **“SEC. 1804. THREAT-BASED HOMELAND SECURITY GRANT**
14 **PROGRAM.**

15 “(a) ESTABLISHMENT.—

16 “(1) IN GENERAL.—There is established the
17 Threat-Based Homeland Security Grant Program,
18 which includes—

19 “(A) formula-based grants for State and
20 local programs administered by the Office of
21 State and Local Government Coordination and
22 Preparedness, including the State Homeland
23 Security Grant Program, and the Law Enforce-
24 ment Terrorism Prevention Program under sec-

tion 1014 of the USA PATRIOT ACT (42 U.S.C. 3714);

“(B) discretionary grants for State and local programs administered by the Office of State and Local Government Coordination and Preparedness for use in high-threat, high-density urban areas, including the Urban Area Security Initiative Program; and

“(C) any successor program to any program described in subparagraph (A) or (B).

“(2) GRANTS AUTHORIZED.—The Secretary may award grants to States and eligible metropolitan regions under the Threat-Based Homeland Security Grant Program to enhance homeland security.

“(3) RELATIONSHIP TO OTHER LAWS.—The Threat-Based Homeland Security Grant Program shall be deemed to satisfy the requirements of section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714). The allocation of grants authorized under this section shall be governed by the terms of this section and not by any other provision of law.

“(b) USE OF FUNDS.—

“(1) IN GENERAL.—Grants awarded under this section—

1 “(A) shall be used to address homeland se-
2 curity matters related to acts of terrorism or
3 catastrophic events, related capacity building,
4 or otherwise addressing shortfalls in essential
5 capabilities; and

6 “(B) shall not be used to supplant ongoing
7 emergency response expenses or general protec-
8 tive measures.

9 “(2) ALLOWABLE USES.—Grants awarded
10 under this section may be used to achieve essential
11 capabilities through—

12 “(A) developing State or regional plans or
13 risk assessments (including the development of
14 the homeland security plan under subsection
15 (e)) to respond to terrorist attacks or other cat-
16 astrophic events and community wide plans for
17 responding to terrorist or catastrophic events
18 that are coordinated with the capacities of ap-
19 plicable Federal, State, and local governments,
20 emergency response providers, and State and
21 local government health agencies;

22 “(B) developing State, regional, or local
23 mutual aid agreements;

24 “(C) purchasing, upgrading, storing, or
25 maintaining equipment based on State and local

1 needs as identified under a State homeland se-
2 curity plan, consistent with essential capability
3 needs;

4 “(D) conducting exercises to strengthen
5 emergency preparedness of State and local first
6 responders including law enforcement, fire-
7 fighting personnel, and emergency medical serv-
8 ice workers, and other emergency responders
9 identified in a State homeland security plan;

10 “(E) paying for expenses relating to—

11 “(i) overtime regarding training ac-
12 tivities consistent with the goals outlined in
13 a State homeland security plan; and

14 “(ii) as determined by the Secretary,
15 overtime activities relating to an increase
16 in the threat level under the Homeland Se-
17 curity Advisory System;

18 “(F) promoting training relating to home-
19 land security preparedness including—

20 “(i) emergency preparedness re-
21 sponses to a use or threatened use of a
22 weapon of mass destruction; and

23 “(ii) training in the use of equipment,
24 including detection, monitoring, and decon-

1 tamination equipment, and personal pro-
2 tective gear;

3 “(G) conducting any activity permitted
4 under the Law Enforcement Terrorism Preven-
5 tion Grant Program under section 1014 of the
6 USA PATRIOT ACT (42 U.S.C. 3714); and

7 “(H) any other activity relating to achiev-
8 ing essential capabilities approved by the Sec-
9 retary.

10 “(3) PROHIBITED USES.—Grants awarded
11 under this section may not be used to construct
12 buildings or other physical facilities, except those de-
13 scribed in section 611 of the Robert T. Stafford Dis-
14 aster Relief and Emergency Assistance Act (42
15 U.S.C. 5196) and approved by the Secretary in the
16 homeland security plan certified under subsection
17 (e), or to acquire land.

18 “(c) EQUIPMENT STANDARDS.—If an applicant for
19 a grant under this section proposes to upgrade or pur-
20 chase, with assistance provided under the grant, new
21 equipment or systems that do not meet or exceed any ap-
22 plicable national voluntary consensus standards estab-
23 lished by the Secretary under section 1807(a), the appli-
24 cant shall include in the application an explanation of why
25 such equipment or systems will serve the needs of the ap-

1 plicant better than equipment or systems that meet or ex-
2 ceed such standards.

3 “(d) APPLICATION.—

4 “(1) STATES.—

5 “(A) SUBMISSION.—A State may apply for
6 a grant under this section by submitting to the
7 Secretary an application detailing how re-
8 quested funds would be used to achieve essen-
9 tial capabilities and containing such other infor-
10 mation the Secretary may reasonably require.

11 “(B) REVISIONS.—A State may revise a
12 homeland security plan certified under sub-
13 section (e) at the time an application is sub-
14 mitted under subparagraph (A) after receiving
15 approval from the Secretary.

16 “(C) APPROVAL.—The Secretary shall not
17 award a grant under this section unless—

18 “(i) the State submitting the applica-
19 tion has previously submitted a homeland
20 security plan meeting the requirements of
21 subsection (e); and

22 “(ii) the Secretary finds that the re-
23 port submitted by the recipient under sub-
24 section (g) demonstrates satisfactory

1 progress toward achieving essential capa-
2 bilities.

3 “(D) RELEASE OF FUNDS.—The Secretary
4 shall release grant funds to States with ap-
5 proved plans after the approval of an applica-
6 tion submitted under this paragraph.

7 “(2) ELIGIBLE METROPOLITAN REGIONS.—

8 “(A) SUBMISSION.—An eligible metropoli-
9 tan region may apply for a grant under this
10 section by submitting an application through
11 the Governor of each State within which any
12 part of the relevant metropolitan region is lo-
13 cated.

14 “(B) CONTENTS.—An application under
15 this paragraph shall include—

16 “(i) a description of how requested
17 funds would be used to achieve essential
18 capabilities;

19 “(ii) an explanation of how the pro-
20 posed use of funds would be consistent
21 with the homeland security plans of all rel-
22 evant States;

23 “(iii) a geographic description of the
24 eligible metropolitan region, including a list

1 of all local governments participating in
2 the application;

3 “(iv) an explanation of how the appli-
4 cant intends to expend funds under the
5 grant, to administer such funds, and to al-
6 locate such funds among the participating
7 local governments;

8 “(v) if not all of the incorporated mu-
9 nicipalities, counties, parishes, or Indian
10 tribes in a metropolitan region are partici-
11 pating in the application, or if additional
12 local governments outside the metropolitan
13 region are participating, an explanation of
14 why the eligible metropolitan region, as
15 constituted, is an appropriate unit to re-
16 ceive grants to prevent, prepare for, and
17 respond to acts of terrorism and other cat-
18 astrophic events; and

19 “(vi) such other information the Sec-
20 retary may reasonably require.

21 “(C) STATE REVIEW AND SUBMISSION.—

22 “(i) IN GENERAL.—To ensure consist-
23 ency with State homeland security plans,
24 an eligible metropolitan region applying for
25 a grant under this paragraph shall submit

1 its application to each State within which
2 any part of the eligible metropolitan region
3 is located for review before submission of
4 such application to the Secretary.

5 “(ii) DEADLINE.—Not later than 30
6 days after receiving an application from an
7 eligible metropolitan region, each such
8 State shall transmit the application to the
9 Secretary.

10 “(iii) STATE DISAGREEMENT.—If the
11 Governor of any such State determines
12 that a regional application is inconsistent
13 with the State homeland security plan of
14 that State, or otherwise does not support
15 the application, the Governor shall—

16 “(I) notify the Secretary, in writ-
17 ing, of that fact; and

18 “(II) provide an explanation of
19 the reasons for not supporting the ap-
20 plication at the time of transmission
21 of the application.

22 “(e) HOMELAND SECURITY PLAN.—

23 “(1) IN GENERAL.—A State applying for a
24 grant under this section shall have a 3-year State
25 homeland security plan (referred to in this sub-

1 section as the ‘plan’) to respond to terrorist attacks
2 and other catastrophic events that has been ap-
3 proved by the Secretary.

4 “(2) CONTENTS.—The plan shall contain—

5 “(A) a 3-year strategy to—

6 “(i) ensure that the funds allocated to
7 local governments are used exclusively to
8 meet the needs and capabilities described
9 under paragraph (3)(C);

10 “(ii) provide for interoperable commu-
11 nications;

12 “(iii) provide for local coordination of
13 response and recovery efforts, including
14 procedures for effective incident command
15 in conformance with the National Incident
16 Management System;

17 “(iv) ensure that first responders and
18 other emergency personnel have adequate
19 training and appropriate equipment for the
20 threats that may occur;

21 “(v) provide for improved coordination
22 and collaboration among law enforcement,
23 fire, and public health authorities at Fed-
24 eral, State, local, and tribal government
25 levels;

1 “(vi) coordinate emergency response
2 and public health plans;

3 “(vii) mitigate risks to critical infra-
4 structure that may be vulnerable to ter-
5 rorist attacks;

6 “(viii) promote regional coordination
7 among contiguous local governments;

8 “(ix) identify necessary protective
9 measures by private owners of critical in-
10 frastructure;

11 “(x) promote orderly evacuation pro-
12 cedures when necessary;

13 “(xi) ensure support from the public
14 health community for measures needed to
15 prevent, detect, and treat bioterrorism, and
16 radiological and chemical incidents;

17 “(xii) increase the number of local ju-
18 risdictions participating in local and state-
19 wide exercises; and

20 “(xiii) meet preparedness goals as de-
21 termined by the Secretary;

22 “(B) objective measures for assessing the
23 extent to which the goals and objectives set
24 forth in paragraph (A) have been achieved;

1 “(C) priorities for the allocation of funding
2 to local governments based on the risk, capabili-
3 ties, and needs described under paragraph
4 (3)(C); and

5 “(D) a report from the relevant advisory
6 committee established under paragraph (3)(D)
7 that documents the areas of support, disagree-
8 ment, or recommended changes to the plan be-
9 fore its submission to the Secretary.

10 “(3) DEVELOPMENT PROCESS.—

11 “(A) IN GENERAL.—In preparing the plan
12 under this section, a State shall—

13 “(i) provide for the consideration of
14 all homeland security needs;

15 “(ii) follow a process that is con-
16 tinuing, inclusive, cooperative, and com-
17 prehensive, as appropriate; and

18 “(iii) coordinate the development of
19 the plan with the homeland security plan-
20 ning activities of local governments.

21 “(B) COORDINATION WITH LOCAL PLAN-
22 NING ACTIVITIES.—The coordination under sub-
23 paragraph (A)(iii) shall contain input from local
24 stakeholders, including—

1 “(i) local officials, including represent-
2 atives of rural, high-population, and high-
3 threat jurisdictions and of Indian tribes;

4 “(ii) emergency response providers;
5 and

6 “(iii) private sector companies that
7 own or operate critical infrastructure.

8 “(C) SCOPE OF PLANNING.—Each State
9 preparing a plan under this section shall, in
10 conjunction with the local stakeholders under
11 subparagraph (B), address all the information
12 requested by the Secretary, and complete a
13 comprehensive assessment of—

14 “(i) risk, including a—

15 “(I) vulnerability and con-
16 sequence assessment;

17 “(II) threat assessment; and

18 “(III) public health assessment,
19 in coordination with the State bioter-
20 rorism plan; and

21 “(ii) capabilities and needs, consistent
22 with the essential capabilities established
23 by the Secretary, including—

24 “(I) an evaluation of current pre-
25 paredness, mitigation, and response

1 capabilities based on such assessment
2 mechanisms as shall be determined by
3 the Secretary;

4 “(II) an evaluation of capabilities
5 needed to address the risks described
6 under clause (i); and

7 “(III) an assessment of the
8 shortfall between the capabilities de-
9 scribed under subclause (I) and the
10 required capabilities described under
11 subclause (II).

12 “(D) ADVISORY COMMITTEE.—

13 “(i) IN GENERAL.—Each State pre-
14 paring a plan under this section shall es-
15 tablish an advisory committee to receive
16 comments from the public and the local
17 stakeholders identified under subparagraph
18 (B).

19 “(ii) COMPOSITION.—

20 “(I) IN GENERAL.—The Advisory
21 Committee shall include—

22 “(aa) local officials; and

23 “(bb) emergency response
24 providers, which shall include
25 representatives of the fire service,

1 law enforcement, emergency med-
2 ical response, and emergency
3 managers.

4 “(II) GEOGRAPHIC REPRESENTA-
5 TION.—The members of the Advisory
6 Committee shall be a representative
7 group of individuals from the coun-
8 ties, cities, towns, and Indian tribes
9 within the State, including representa-
10 tives of rural, high-population, and
11 high-threat jurisdictions.

12 “(4) PLAN APPROVAL.—The Secretary shall ap-
13 prove a plan upon finding that the plan meets the
14 requirements of—

15 “(A) paragraphs (2) and (3); and

16 “(B) any other criteria the Secretary de-
17 termines necessary to the approval of a State
18 plan.

19 “(5) REVIEW OF ADVISORY COMMITTEE RE-
20 PORT.—The Secretary shall review the recommenda-
21 tions of the advisory committee report incorporated
22 into a plan under subsection (e)(2)(D), including
23 any dissenting views submitted by advisory com-
24 mittee members, to ensure cooperation and coordina-
25 tion between State and local government jurisdic-

1 tions in planning for the use of grant funds under
 2 this section.

3 “(f) ALLOCATION.—

4 “(1) SLIDING SCALE BASELINE DISTRIBUTION.—

6 “(A) STATES.—Each State whose applica-
 7 tion is approved under subsection (d) shall re-
 8 ceive, for each fiscal year, the greater of—

9 “(i) 0.55 percent of the amounts ap-
 10 propriated for the Threat-Based Homeland
 11 Security Grant Program; or

12 “(ii) the State’s sliding scale baseline
 13 allocation of 28.62 percent of the amounts
 14 appropriated for the Threat-Based Home-
 15 land Security Grant Program.

16 “(B) OTHER ENTITIES.—Notwithstanding
 17 subparagraph (A)—

18 “(i) the District of Columbia shall re-
 19 ceive for each fiscal year 0.55 percent of
 20 the amounts appropriated for the Threat-
 21 Based Homeland Security Grant Program;

22 “(ii) the Commonwealth of Puerto
 23 Rico shall receive for each fiscal year 0.35
 24 percent of the amounts appropriated for

1 the Threat-Based Homeland Security
2 Grant Program;

3 “(iii) American Samoa, the Common-
4 wealth of the Northern Mariana Islands,
5 Guam, and the Virgin Islands shall each
6 receive 0.055 percent of the amounts ap-
7 propriated for the Threat-Based Homeland
8 Security Grant Program; and

9 “(iv) no possession of the United
10 States shall receive a baseline distribution
11 under subparagraph (A).

12 “(2) URBAN AREA SECURITY INITIATIVE DIS-
13 TRIBUTION.—

14 “(A) IN GENERAL.—After the distribution
15 under paragraph (1), the Secretary may allo-
16 cate up to 50 percent of the funds remaining to
17 provide grants to eligible metropolitan regions.

18 “(B) CRITERIA.—

19 “(i) IN GENERAL.—The Secretary
20 shall allocate the grants under this para-
21 graph to assist eligible metropolitan re-
22 gions to achieve essential capabilities to ef-
23 fectively prevent, prepare for, and respond
24 to acts of terrorism or other catastrophic
25 events.

1 “(ii) PRIORITIZATION.—In prioritizing
2 among the applications of eligible metro-
3 politan regions for such funds, the Sec-
4 retary shall consider the relative threat,
5 vulnerability, and consequences faced by
6 an eligible metropolitan region from a ter-
7 rorist attack, including consideration of—

8 “(I) the population of the eligible
9 metropolitan region, except that the
10 Secretary shall not establish a min-
11 imum population requirement that
12 would disqualify from consideration a
13 locality that otherwise faces signifi-
14 cant threats, vulnerabilities, or con-
15 sequences from acts of terrorism;

16 “(II) the population density of
17 the eligible metropolitan region;

18 “(III) the degree of threat, vul-
19 nerability, and consequence to the eli-
20 gible metropolitan region related to
21 critical infrastructure or key assets
22 identified by the Secretary or State
23 homeland security plan, including
24 threats, vulnerabilities, and con-

1 sequences from critical infrastructure
2 in nearby jurisdictions;

3 “(IV) whether the eligible metro-
4 politan region is at or near an inter-
5 national border;

6 “(V) whether the eligible metro-
7 politan region has a coastline bor-
8 dering ocean or international waters;

9 “(VI) threats, vulnerabilities, and
10 consequences faced by the eligible
11 metropolitan region related to at-risk
12 sites or activities in nearby jurisdic-
13 tions, including the need to respond to
14 terrorist attacks arising in those juris-
15 dictions;

16 “(VII) the extent to which the el-
17 igible metropolitan region has unmet
18 essential capabilities;

19 “(VIII) the extent to which the
20 application of the eligible metropolitan
21 region includes all incorporated mu-
22 nicipalities, counties, parishes, and In-
23 dian tribes within the relevant metro-
24 politan region; and

1 “(IX) such other factors as are
2 specified in writing by the Secretary.

3 “(C) DISTRIBUTION OF AWARDS TO MET-
4 ROPOLITAN REGIONS.—

5 “(i) IN GENERAL.—If the Secretary
6 approves the application of an eligible met-
7 ropolitan region for a grant under this sec-
8 tion, the Secretary shall distribute the re-
9 gional grant funds to the State or States
10 in which the eligible metropolitan region is
11 located.

12 “(ii) STATE DISTRIBUTION OF
13 FUNDS.—Each State shall provide the eli-
14 gible metropolitan region not less than 80
15 percent of the grant funds. Any funds re-
16 tained by a State shall be expended on
17 items or services approved by the Secretary
18 and that benefit the eligible metropolitan
19 region.

20 “(iii) MULTISTATE REGIONS.—If
21 parts of an eligible metropolitan region
22 awarded a grant are located in 2 or more
23 States, the Secretary shall distribute to
24 each such State a portion of the grant
25 funds in proportion to that State’s share of

1 the population of the eligible metropolitan
2 region, unless the Governors of each State
3 (or in the case of the District of Columbia,
4 the Mayor) agree otherwise.

5 “(3) THREAT-BASED DISTRIBUTION TO
6 STATES.—

7 “(A) IN GENERAL.—After the distribution
8 of funds under paragraphs (1) and (2), the Sec-
9 retary shall, from the remaining funds for the
10 Threat-Based Homeland Security Grant Pro-
11 gram, distribute amounts to each State to as-
12 sist that State in achieving essential capabilities
13 to effectively prevent, prepare for, and respond
14 to acts of terrorism and other catastrophic
15 events.

16 “(B) PRIORITIZATION.—In prioritizing
17 among State applications for such funds, the
18 Secretary shall—

19 “(i) consider the relative threat, vul-
20 nerability, and consequences faced by a
21 State from a terrorist attack, including
22 consideration of—

23 “(I) the percent of a State’s pop-
24 ulation residing in metropolitan statis-

1 tical areas, as defined by the Office of
2 Management and Budget;

3 “(II) the degree of threat, vulner-
4 ability, and consequence related to
5 critical infrastructure or key assets
6 identified by the Secretary or State
7 homeland security plan;

8 “(III) whether the State has an
9 international border;

10 “(IV) whether the State has a
11 coastline bordering ocean or inter-
12 national waters;

13 “(V) threats, vulnerabilities, and
14 consequences faced by a State related
15 to at-risk sites or activities in adjacent
16 States, including the need to respond
17 to terrorist attacks arising in adjacent
18 States;

19 “(VI) the extent to which the
20 State has unmet essential capabilities;
21 and

22 “(VII) such other factors as are
23 specified in writing by the Secretary;
24 and

1 “(ii) balance the goal of ensuring that
2 the essential capabilities of the highest-risk
3 areas are achieved quickly and the goal of
4 ensuring that basic levels of preparedness,
5 as measured by the attainment of essential
6 capabilities, are achieved nationwide.

7 “(4) FUNDING FOR LOCAL GOVERNMENTS AND
8 FIRST RESPONDERS.—

9 “(A) IN GENERAL.—The Secretary shall
10 require recipients of the sliding scale baseline
11 distribution and the threat-based distribution to
12 States to make available to local governments
13 and emergency response providers, consistent
14 with the applicable State homeland security
15 plan, not less than 80 percent of the grant
16 funds, the resources purchased with such grant
17 funds, or a combination thereof, not later than
18 60 days after receiving grant funding.

19 “(B) INDIAN TRIBES.—States shall be re-
20 sponsible for allocating Federal resources to
21 tribal communities in order to help those tribal
22 communities achieve essential capabilities. In-
23 dian tribes shall be eligible for funding directly
24 from the States, and shall not be required to
25 seek funding from any local government.

1 “(C) EXCEPTION.—Subparagraph (A)
2 shall not apply to the District of Columbia, the
3 Commonwealth of Puerto Rico, American
4 Samoa, the Commonwealth of the Northern
5 Mariana Islands, Guam, and the Virgin Islands.

6 “(5) SUPPLEMENT NOT SUPPLANT.—Amounts
7 appropriated for grants under this subsection shall
8 be used to supplement and not supplant other State
9 and local government public funds obligated for the
10 purposes provided under this title.

11 “(6) LAW ENFORCEMENT TERRORISM PREVEN-
12 TION PROGRAM.—

13 “(A) IN GENERAL.—The Secretary shall
14 designate not more than 25 percent of the
15 amounts authorized under this section to be
16 used for the Law Enforcement Terrorism Pre-
17 vention Program under section 1014 of the
18 USA PATRIOT ACT (42 U.S.C. 3714) to pro-
19 vide grants to law enforcement agencies to en-
20 hance capabilities for terrorism prevention.

21 “(B) USE OF FUNDS.—Notwithstanding
22 subsection (b), grants awarded under this para-
23 graph may be used for—

24 “(i) information sharing to preempt
25 terrorist attacks;

1 “(ii) target hardening to reduce the
2 vulnerability of selected high value targets;

3 “(iii) threat recognition to recognize
4 the potential or development of a threat;

5 “(iv) intervention activities to inter-
6 dict terrorists before they can execute a
7 threat;

8 “(v) interoperable communication sys-
9 tems;

10 “(vi) overtime expenses related to the
11 homeland security plan approved by the
12 Secretary, including overtime costs associ-
13 ated with providing enhanced law enforce-
14 ment operations in support of Federal
15 agencies for increased border security and
16 border crossing enforcement; and

17 “(vii) any other terrorism prevention
18 activity authorized by the Secretary.

19 “(g) REPORT ON HOMELAND SECURITY SPEND-
20 ING.—Each recipient of a grant under this section shall
21 annually submit a report to the Secretary that contains—

22 “(1) an accounting of the amount of State and
23 local government funds spent on homeland security
24 activities under the applicable State homeland secu-
25 rity plan;

1 “(2) information regarding the use of grant
2 funds by the State and by units of local government
3 as required by the Secretary; and

4 “(3) progress of the recipient and subgrantees
5 in achieving essential capabilities.

6 “(h) ACCOUNTABILITY.—

7 “(1) GOVERNMENT ACCOUNTABILITY OFFICE
8 ACCESS TO INFORMATION.—Each recipient of a
9 grant under this section and the Department shall
10 provide the Government Accountability Office with
11 full access to information regarding the activities
12 carried out under this section.

13 “(2) AUDIT.—Grant recipients that expend
14 \$500,000 or more in Federal funds during any fiscal
15 year shall submit to the Secretary an organization
16 wide financial and compliance audit report in con-
17 formance with the requirements of chapter 75 of
18 title 31, United States Code.

19 “(i) REMEDIES FOR NON-COMPLIANCE.—

20 “(1) IN GENERAL.—If the Secretary finds, after
21 reasonable notice and an opportunity for a hearing,
22 that a recipient of a grant under this section has
23 failed to substantially comply with any provision of
24 this section, or with any regulations or guidelines of

1 the Department regarding eligible expenditures, the
2 Secretary shall—

3 “(A) terminate any payment of grant
4 funds to be made to the recipient under this
5 section;

6 “(B) reduce the amount of payment of
7 grant funds to the recipient by an amount equal
8 to the amount of grants funds that were not ex-
9 pended by the recipient in accordance with this
10 section; or

11 “(C) limit the use of grant funds received
12 under this section to programs, projects, or ac-
13 tivities not affected by the failure to comply.

14 “(2) DURATION OF PENALTY.—The Secretary
15 shall apply an appropriate penalty under paragraph
16 (1) until such time as the Secretary determines that
17 the grant recipient is in full compliance with this
18 section or with applicable guidelines or regulations
19 of the Department.

20 “(3) DIRECT FUNDING.—If a State fails to sub-
21 stantially comply with any provision of this section
22 or with applicable guidelines or regulations of the
23 Department, including failing to provide local gov-
24 ernments with grant funds or resources purchased
25 with grant funds in a timely fashion, a local govern-

1 ment entitled to receive such grant funds or re-
2 sources may petition the Secretary, at such time and
3 in such manner as determined by the Secretary, to
4 request that grant funds or resources be provided di-
5 rectly to the local government.

6 “(j) REPORTS TO CONGRESS.—The Secretary shall
7 submit an annual report to Congress that provides—

8 “(1) the status of preparedness goals and objec-
9 tives;

10 “(2) an evaluation of how States and local gov-
11 ernments are making progress in achieving essential
12 capabilities;

13 “(3) the total amount of resources provided to
14 the States;

15 “(4) the total amount of resources provided to
16 local governments and metropolitan regions; and

17 “(5) an accounting of how these resources were
18 expended.

19 “(k) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated to carry out this section
21 such sums as are necessary for each fiscal year.

22 **“SEC. 1805. ELIMINATING HOMELAND SECURITY FRAUD,**
23 **WASTE, AND ABUSE.**

24 “(a) ANNUAL GOVERNMENT ACCOUNTABILITY OF-
25 FICE AUDIT AND REPORT.—

1 “(1) AUDIT.—The Comptroller General of the
2 United States shall conduct an annual audit of the
3 Threat-Based Homeland Security Grant Program.

4 “(2) REPORT.—The Comptroller General of the
5 United States shall provide a report to Congress on
6 the results of the audit conducted under paragraph
7 (1), which includes—

8 “(A) an analysis of whether the grant re-
9 cipients allocated funding consistent with the
10 State homeland security plan and the guidelines
11 established by the Department; and

12 “(B) the amount of funding devoted to
13 overtime and administrative expenses.

14 “(b) REVIEWS OF THREAT-BASED HOMELAND SECU-
15 RITY FUNDING.—The Secretary shall conduct periodic re-
16 views of grants made through the Threat Based Homeland
17 Security Grant Program to ensure that recipients allocate
18 funds consistent with the guidelines established by the De-
19 partment.

20 **“SEC. 1806. FLEXIBILITY IN UNSPENT HOMELAND SECU-**
21 **RITY FUNDS.**

22 “(a) REALLOCATION OF FUNDS.—The Director of
23 the Office for Domestic Preparedness shall allow any State
24 to request approval to reallocate funds received pursuant
25 to appropriations for the State Homeland Security Grant

1 Program under Public Laws 105–277 (112 Stat. 2681 et
 2 seq.), 106–113 (113 Stat. 1501A–3 et seq.), 106–553
 3 (114 Stat. 2762A–3 et seq.), 107–77 (115 Stat. 78 et
 4 seq.), or the Consolidated Appropriations Resolution of
 5 2003 (Public Law 108–7), among the 4 categories of
 6 equipment, training, exercises, and planning.

7 “(b) APPROVAL OF REALLOCATION REQUESTS.—The
 8 Director shall approve reallocation requests under sub-
 9 section (a) in accordance with the State homeland security
 10 plan and any other relevant factors that the Secretary de-
 11 termines to be necessary.

12 “(c) LIMITATION.—A waiver under this section shall
 13 not affect the obligation of a State to make available 80
 14 percent of the amount appropriated for equipment to units
 15 of local government.

16 **“SEC. 1807. NATIONAL STANDARDS FOR FIRST RESPONDER**
 17 **EQUIPMENT AND TRAINING.**

18 “(a) EQUIPMENT STANDARDS.—

19 “(1) IN GENERAL.—The Secretary, in consulta-
 20 tion with the Under Secretaries for Emergency Pre-
 21 paredness and Response and Science and Tech-
 22 nology (including a representative of the United
 23 States Fire Administration) and the Executive Di-
 24 rector of the Office for State and Local Government
 25 Coordination and Preparedness, shall support the

1 development of, promulgate, and update as nec-
2 essary national voluntary consensus standards for
3 the performance, use, and validation of first re-
4 sponder equipment for purposes of section 1804(c).

5 “(2) STANDARDS.—Standards under this sub-
6 section shall—

7 “(A) be, to the maximum extent prac-
8 ticable, consistent with any existing voluntary
9 consensus standards;

10 “(B) take into account, as appropriate,
11 new types of terrorism threats that may not
12 have been contemplated when such existing
13 standards were developed;

14 “(C) be focused on maximizing interoper-
15 ability, interchangeability, durability, flexibility,
16 efficiency, efficacy, portability, sustainability,
17 and safety; and

18 “(D) cover all appropriate uses of the
19 equipment.

20 “(b) TRAINING STANDARDS.—

21 “(1) IN GENERAL.—The Secretary, in consulta-
22 tion with the Under Secretaries for Emergency Pre-
23 paredness and Response and Science and Tech-
24 nology (including a representative of the United
25 States Fire Administration) and the Director of the

1 Office for Domestic Preparedness, shall support the
2 development of, promulgate, and regularly update as
3 necessary national voluntary consensus standards for
4 first responder training that will enable State and
5 local government first responders to achieve optimal
6 levels of terrorism preparedness as quickly as prac-
7 ticable.

8 “(c) CONSULTATION WITH STANDARDS ORGANIZA-
9 TIONS.—In establishing national voluntary consensus
10 standards for first responder equipment and training
11 under this section, the Secretary shall consult with rel-
12 evant public and private sector groups, including—

13 “(1) the National Institute of Standards and
14 Technology;

15 “(2) the National Fire Protection Association;

16 “(3) the American National Standards Insti-
17 tute;

18 “(4) the National Institute of Justice;

19 “(5) the National Institute for Occupational
20 Safety and Health; and

21 “(6) to the extent the Secretary considers ap-
22 propriate, other national voluntary consensus stand-
23 ards development organizations, other interested
24 Federal, State, and local agencies, and other inter-
25 ested persons.

1 “(d) COORDINATION WITH SECRETARY OF HHS.—
2 In establishing any national voluntary consensus stand-
3 ards under this section for first responder equipment or
4 training that involve or relate to health professionals, in-
5 cluding emergency medical professionals, the Secretary
6 shall coordinate activities under this section with the Sec-
7 retary of Health and Human Services.

8 **“SEC. 1808. CERTIFICATION RELATIVE TO THE SCREENING**
9 **OF MUNICIPAL SOLID WASTE TRANSPORTED**
10 **INTO THE UNITED STATES.**

11 “(a) DEFINITION.—In this section, the term ‘munic-
12 ipal solid waste’ includes sludge (as defined in section
13 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)).

14 “(b) REPORTS TO CONGRESS.—Not later than 90
15 days after the date of enactment of this section, the Bu-
16 reau of Customs and Border Protection shall submit a re-
17 port to Congress that—

18 “(1) indicates whether the methodologies and
19 technologies used by the Bureau to screen for and
20 detect the presence of chemical, nuclear, biological,
21 and radiological weapons in municipal solid waste
22 are as effective as the methodologies and tech-
23 nologies used by the Bureau to screen for such ma-
24 terials in other items of commerce entering into the

1 United States by commercial motor vehicle trans-
2 port; and

3 “(2) if the methodologies and technologies used
4 to screen solid waste are less effective than those
5 used to screen other commercial items, identifies the
6 actions that the Bureau will take to achieve the
7 same level of effectiveness in the screening of solid
8 waste, including the need for additional screening
9 technologies.

10 “(c) IMPACT ON COMMERCIAL MOTOR VEHICLES.—
11 If the Bureau of Customs and Border Protection fails to
12 fully implement the actions described in subsection (b)(2)
13 before the earlier of 6 months after the date on which the
14 report is due under subsection (b) or 6 months after the
15 date on which such report is submitted, the Secretary shall
16 deny entry into the United States of any commercial
17 motor vehicle (as defined in section 31101(1) of title 49,
18 United States Code) carrying municipal solid waste until
19 the Secretary certifies to Congress that the methodologies
20 and technologies used by the Bureau to screen for and
21 detect the presence of chemical, nuclear, biological, and
22 radiological weapons in such waste are as effective as the
23 methodologies and technologies used by the Bureau to
24 screen for such materials in other items of commerce en-

1 tering into the United States by commercial motor vehicle
 2 transport.”.

3 (b) FIRE SERVICES.—Section 2(6) of the Homeland
 4 Security Act of 2002 (6 U.S.C. 101(6)) is amended by
 5 inserting “(including fire services)” after “local emergency
 6 public safety”.

7 (c) TECHNICAL AND CONFORMING AMENDMENT.—
 8 The table of contents in section 1(b) of the Homeland Se-
 9 curity Act of 2002 (6 U.S.C. 101 note) is amended by
 10 adding at the end the following:

“TITLE XVIII—ESSENTIAL CAPABILITIES FOR FIRST RESPOND-
 ERS AND THREAT-BASED HOMELAND SECURITY GRANT PRO-
 GRAM

“Sec. 1801. Definitions.

“Sec. 1802. Preservation of pre-9/11 grant programs for traditional first re-
 sponder missions.

“Sec. 1803. Essential capabilities for first responders.

“Sec. 1804. Threat-Based Homeland Security Grant Program.

“Sec. 1805. Eliminating homeland security fraud, waste, and abuse.

“Sec. 1806. Flexibility in unspent homeland security funds.

“Sec. 1807. National standards for first responder equipment and training.

“Sec. 1808. Certification relative to the screening of municipal solid waste
 transported into the United States.”.

